

REMARKS

By the above actions claims 1, 4, 9, 11-13 & 16 have amended and claim 10 cancelled since it has been rendered redundant by the amendments to claim 1. In view of these actions and the following remarks, further consideration of this application is requested. In this regard, entry of the above amendments is appropriate since they raise no new issues requiring further consideration and/or search, the amendment to claim 1 merely incorporating claim 10 and making it clear that two different elastic means are being recited, the later also being true for the amendments to claim 16, and the amendments to claims 4 & 11-13 merely conform them with amended claim 1 while claim 9 has been amended to remove the superfluous word “which.”

Claims 1, 2, 9, 10, 13, & 16 have again been rejected under 35 USC § 102 as being anticipated by the Blanchet patent application publication, while claims 3- 5 & 8 have again been rejected under 35 USC § 103 as being unpatentable over Blanchet. Furthermore, claims 6, 7, 11, & 12 have been rejected under 35 USC § 103 as being unpatentable over Blanchet when viewed in combination with the Barton et al. patent. These rejections are inappropriate and should be withdrawn for the following reasons.

First, it appears that the Examiner may have misinterpreted at least some of the claims inasmuch as at least claims 11, 12 and 16 as finally rejected clearly require two elastic means, a first elastic means (spring 20) that causes the first and second end plates to be forced together, and a second elastic means (spring 42) by which the fuel cell stack and the first elastic means are connected to the housing. In this regard, while claim 16 has been nominally indicated to be rejected as being anticipated by Blanchet, nowhere in his rejection does the Examiner specifically address claims 16, and in particular its requirement that, in the form finally rejected, it required that an elastic transmit a first force to the first end plate in a direction toward the second end plate and a second force to the second end plate in a direction toward the first end plate, and that the fuel cell arrangement be connected to the housing by way of an element which is connected to the fuel cell stack using also by an elastic means.

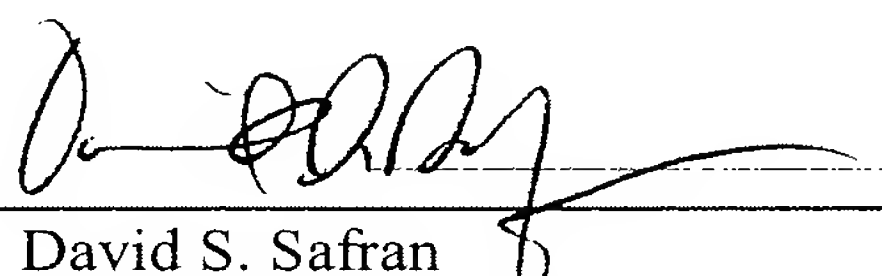
Similarly, the Examiner’s rejection of claims 11 & 12 fails to take into consideration the fact that both springs of Blanchet act in parallel being connected between the same two elements and that the cup springs of Barton et al. act in the same manner of those of Blanchet, both

patents showing their springs being directly supported on the housing and acting between the housing and the tie rods. In contrast, the present invention has the two elastic means connected in series with only the cup spring supported on the housing and serving as the means by which the rod 32 and springs 20 are connected to the housing. Nothing in either of these references would suggest such an arrangement, and the amendments to claims 1 & 16 only serve to make these existing distinctions clearer.

As for the rejection of claim 14 under 35 USC § 103 as being unpatentable over Blanchet when viewed in combination with the Ballantine et al. patent application publication since Ballantine et al. does not at all deal with the nature of an energy transmission means and its connection to a housing, but relates to a thermal management scheme, this document cannot provide any information which could lead the person of ordinary skill in the features of the present invention noted above to be lacking in the disclosure of the Blanchet and Barton et al. patents. Therefore, this rejection should also be withdrawn and such action is hereby requested.

While it is believed that the present application is in condition for allowance in the absence of the discovery of new and more relevant prior art, should any issue be found to be unresolved or should any new issue arise, and the Examiner believe that could be resolved and the prosecution advanced by discussing same with applicants' representative, then the Examiner is invited to contact the undersigned by telephone at the number indicated below.

Respectfully submitted,

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